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SUBJECT: 2004 TRAFFICKING IN PERSON REPORT - GHANA

REF: STATE 7869

The following responses are keyed to reftel.

Para 18: Overview

1A. Ghana is both a country of origin and a destination for internationally trafficked persons. Internal trafficking appears more common than cross-border trafficking; however, internal trafficking has been examined more closely by local NGOs and International Organizations than cross-border trafficking. The Government does not have official figures on the number of trafficked persons, either domestic or cross-border, and estimates are difficult to come by and of limited reliability.

1B. Domestically, most trafficking is in children. Children are sent from the coastal areas to work in the fishing communities along the Volta Lake, and from the northern regions to the cities of Accra and Kumasi to work as domestic helpers, porters, and assistants to local traders.

Internationally, the majority of trafficking involves children between the ages of seven and seventeen being shipped to and from the neighboring countries of Cote d'Ivoire, Togo and Nigeria to work as laborers or household help, or young women to work as prostitutes. Ghana is also a transit country. There is a growing trade in Nigerian women transiting Ghana on their way to Western Europe to work in the sex industry, and there is reportedly some trafficking in persons from Burkina Faso, going through Ghana on their way to Cote d'Ivoire. Ghana Police Interpol officers have recognized a possible trend of Ghanaian expatriates returning to Ghana to marry young girls only to engage them in prostitution once in Europe.

1C. Due to a lack of current reliable data, we have not been able to detect any appreciable changes in the direction or extent of trafficking over the past year.

1D. The most detailed surveys to date have been done by the African Center for Human Development (April 2002) and the Ministry of Manpower Development and Employment in conjunction with the ILO (February 2001). Other NGOs have studied specific pockets of domestic trafficking sending and receiving areas. No other studies are currently projected. Most efforts to combat trafficking in the past year have focused on awareness creation, rescue/repatriation of domestically trafficked children and poverty reduction.

1E. Ghana is not a major destination for internationally trafficked victims. Those trafficked domestically are used primarily for labor. A February 2002 study funded by the Danish government through a local NGO found that the largest percentage of trafficked children work in the local fishing industry (39 percent), while 30 percent engage in selling, 20 percent work as domestic laborers, eight percent as porters and three percent in farming. The laborers are either not paid at all, or given very low wages. Many children suffer serious abuse, malnutrition, long working hours. Most are denied the opportunity of an education. Because trafficked children are often sent away by families unable to support them, and sometimes in exchange for cash payments, they cannot easily return home despite their maltreatment.

1F. Children from impoverished rural backgrounds are the primary victims of trafficking from Ghana to other countries. Recruited children are usually between the ages of seven and fifteen, although there are reports of trafficked children as young as four. Much of the recruitment of children is done with the consent of the parents, who are sometimes given an advance payment or promised regular stipends from the recruiter. The parents are told the children will receive food, shelter, and often some sort of vocational training or education. Some children are sent to work for extended family members in urban areas, who may treat the children relatively well. Many, however, are given to professional recruiters, who, upon reaching the cities, hand the children off to those who will be their actual employers. In many cases, the children never receive the promised education or vocational training. Young Ghanaian women are also

reportedly targeted by international traffickers promising jobs in Western Europe. As mentioned in Para 18, B, police officials have noticed a trend of Ghanaian expatriates offering young women marriage and a promising new life in Western Europe only to end in prostitution. They are sent mostly to Germany, Italy, or the Netherlands, either directly or indirectly through neighboring countries. Some young women also end up in the Middle East, where they work menial jobs or as domestic help.

G. Despite its enormous resource constraints, the GOG is making a good faith effort to seriously address trafficking. Political will exists at the highest levels. Most efforts during the year continued to focus on programs outside the legal system - prevention and protection of victims. Throughout the year, GOG officials collaborated with international donors and NGOs to repatriate trafficked children, reintegrate them into the formal education system, and offer poverty reduction assistance to parents. NGOs and GOG officials repatriated over 1,000 children during the year. UNICEF and the Ministry of Women and Children's Affairs (MWCA) provided vocational training to girls engaged in "kayayei" or itinerant portering. The MWCA also worked to encourage parents who sold their children to bring them home in exchange for business assistance, vocational training, credit facilities, assistance with school fees and school uniforms. The Ministry of Manpower Development and Employment worked with Catholic Action for Street Children and other NGOs to assist street children. On June 12 for the World Day Against Child Labor, Members of Parliament debated the issue of child labor and child trafficking. In November 2003, the Vice President condemned the "slavery and trafficking of children for labor" in a keynote address at a conference on the historic slave trade. In the annual budget statement to Parliament, read at the beginning of February, 2004, the Minister of Finance announced the administration's intention to submit the Human Trafficking Bill to Parliament this year, and highlighted efforts taken in 2003 to combat trafficking and child labor, assist street children, and alleviate poverty, especially through women's development programs.

In summer 2003, the World Bank provided a USD 2.3 million loan that the GOG has used to assist street children (many of whom were likely trafficked) in the major metropolitan areas of Ghana (Accra/Tema, Sekondi/Takoradi, Kumasi, and Tamale). The Ministry of Manpower Development and Employment continues to implement the one-year program, which tests strategies for delivering integrated support services (skills development, health services, HIV/AIDs awareness, and family services) to street children in order to develop a well-rounded policy to assist them.

The MWCA established a Women's Development Fund, disbursing 10 billion cedis (\$1.1 million) in credit facilities to approximately 20,000 women. Mothers of trafficked children received over 835 million cedis (\$95,000) to assist with school fees and uniforms and business assistance.

While the mainstay of GOG and NGO actions focused on social solutions to trafficking, the GOG also continued to develop the Human Trafficking bill. The Ministry of Manpower Development and Employment finally recruited a permanent Chief Director in October, who has since called several meetings of the National Human Trafficking Task Force to discuss how the draft trafficking legislation could be improved. The Chief Director intends to call one more meeting (likely in March) to collect stakeholder comments and forward them to the Ministry of Justice before the draft bill is submitted to Parliament.

H. There is no evidence that Government authorities, or individual members of government forces, act to facilitate, condone, or are complicit, take bribes, or assist in trafficking operations.

I. The Government is limited in addressing the problem of trafficking by both culture and resources. Child trafficking in Ghana is difficult to define. Children from rural communities are commonly sent by their parents to work as housemaids for distant relatives in cities; a practice known as "fostering." Given the severe poverty that many rural families face, sending a child to work for well-off relations in the city, with the hope that the child will receive some vocational training or education, is regarded as a genuine attempt to improve that child's opportunities. The idea that sending children to live with extended family members under these circumstances is "trafficking" would make little sense to many Ghanaians. Other, more exploitative forms of trafficking, such as cross-border trafficking or situations where the children are recruited by professionals who traffic them for profit, are recognized as problems by the Government, but resources are scarce. Law enforcement authorities are not equipped with adequate training or financial resources to deal with the problem. Police officers complain that lack of legislation criminalizing trafficking seriously hampers their efforts to combat the

crime. The Government is currently vetting a draft bill that in addition to criminalizing trafficking, would also establish a victims fund for protection and rehabilitation as well as prevention efforts.

J. The Government does monitor anti-trafficking efforts, but perhaps more haphazardly than systematically. The International Labor Organization's International Program to Eliminate Child Labor (ILO/IPEC) frequently holds stakeholder meetings and the Ministry of Manpower Development and Employment has hosted several National Human Trafficking Task Force meetings in the Fall. The meetings include the Ministries of Interior, Women and Children's Affairs, Manpower Development and Employment, members of the Police Service, Immigration Service, Customs, NGOs, IOs, international donors, trade unions, and employers associations. While ILO/IPEC programs require such stakeholder meetings, in effect, they build the capacity of the National Task Force, which includes the same players. The draft trafficking legislation is expected to better formalize the coordinating and monitoring functions of the National Task Force.

K. Prostitution is illegal.

L. Forced childhood marriage is illegal and a problem. However, child brides are neither bought, sold nor imported from abroad, and the government does enforce the law. Interpol officers report a recent trend of Ghanaian expatriates returning to Ghana to marry young women, who are later forced into prostitution in Western Europe. However, these women appear to be tricked into the marriage (not bought or sold) in hopes of a better life abroad. On August 15, 2003, a Circuit Court in Wa, Upper West Region sentences a farmer to prison for 14 years for sexually assaulting and marrying a 14 year old girl.

Para 19: Prevention

A. Yes, the Government acknowledges that trafficking is a problem and has begun to address the problem on a coordinated and systematic basis (see para 18, G).

B. The following government agencies are involved in anti-trafficking efforts: the Ministry of Interior (responsible for the Ghana Police Service and Ghana Immigration Service); the Ministry of Manpower Development and Employment (responsible for vocational training programs and the Department of Social Welfare); the Ministry of Women and Children's Affairs (responsible for advocacy of women and children's rights).

C. Almost all anti-trafficking information or education campaigns have been run either in coordination with NGOs and International Organizations (IOs) or by the NGOs or IOs themselves. The Ghana National Commission on Children (GNCC - part of the MWCA) has sponsored formal community gatherings to discuss the hazards of trafficking. The WAJU has participated in information campaigns in Kokrobite, a coastal village known for sending children to work along the Volta Lake, as well as two bus/transit stations in Accra, to educate drivers on how to identify trafficking victims. NGOs have initiated anti-trafficking poster campaigns, community gatherings, and media campaigns.

D. The Government is very supportive of programs to prevent trafficking, but usually relies on outside donor funding to maintain them.

The Government of Ghana pays approximately 10 percent of the costs of ILO/IPEC programs to combat trafficking and child labor, and provides office space to ILO/IPEC staff. In addition, the GOG supports programs designed to empower women and children that indirectly helps prevent trafficking (often using donated or debt-forgiveness funds). Certain components of the Government's National Poverty Reduction Program are designed to alleviate child poverty and improve children's access to education, and the Ministry of Women's Affairs runs programs which serve to educate women on the importance of children's education. The Ghana Education Service has an extensive program to promote girl-child education, and includes child labor issues in its curriculum.

E. The Government does support programs (see above), though scarcity of resources is always a problem.

F. The Government's relationship with NGOs, international organizations, and civil society is very constructive.

G. The Director of Ghana Immigration is committed to combatting human trafficking. However, like police counterparts, Immigration officers complain they are constrained by the lack of legislation criminalizing trafficking. In addition, the GOG does not have the required resources to adequately monitor and control Ghana's lengthy

land borders. The lack of sufficient data to monitor immigration patterns, for example, stems from the lack of communication infrastructure between border posts and their regional offices.

H. See para 18, G and J. The National Task Force on Human Trafficking currently works on policy, but is projected to become a coordinating body after the passage of legislation to combat trafficking.

I. In the past, the GOG has participated in Economic Community of West African States (ECOWAS) conferences on trafficking in persons, however this year, there have been no such conferences. Security and Social Welfare agencies do cooperate with their international counterparts.

J. The GOG does have a National Plan to Combat Trafficking, as well as a National Task Force. (Para 18 G and J). In October 2001, Ghana hosted a meeting of ECOWAS Experts Against Trafficking in Persons, which resulted in a regional plan of action that called for states to establish their own action plans, national task forces and national awareness campaigns. The GOG formally launched their task force and national plan in March 2002, which was slow to develop due to changes in directorships of important Ministries such as Manpower Development and Employment. However, with a permanent Chief Director of Manpower Development and Employment installed in the summer of 2003, and the UN Office of Drugs and Crime offering assistance with the Task Force and Plan of Action in the fall, the effort has been revived in earnest. Since then, several Task Force meetings have been held to critically review the draft trafficking legislation.

K. The Ministry of Justice has the lead on developing the new law against trafficking. The Ministry of Manpower Development and Employment's child labor unit takes the lead on programs to combat child labor, and its Social Welfare Department offers victims protection. The Ministry of Interior leads law enforcement efforts. The draft trafficking bill will establish the Minister of either Manpower Development and Employment or the Minister of Women and Children's Affairs as the Chair on the National Task Force on Human Trafficking.

Para 20: Investigation and Prosecution of Traffickers

A. There is no specific provision in Ghanaian law outlawing trafficking in persons. There are laws against slavery, prostitution, rape (including child rape, termed "defilement"), use of underage labor, child stealing, kidnapping, abduction, manufacture of fraudulent documentation, etc. Traffickers may be prosecuted under these statutes, however, police officials claim they are often inadequate. For example, a child trafficker who has obtained the child with the parent's consent cannot be charged with abduction. During the fall, the Ministry of Manpower Development and Employment organized several workshops for stakeholders to review the draft trafficking legislation, with the intention of compiling all comments and submitting them to the Ministry of Justice to revise the draft before it is sent to Parliament. In February 2004, the Minister of Finance announced the administration's intention to submit the bill to Parliament this year.

B. There are currently no specific penalties for trafficking, but penalties for related offenses range from six months to 25 years.

C. Rape is punishable by 7 to 25 years in prison.

D. In the past, traffickers have been prosecuted under statutes listed in para 20, item A. Information on sentencing of traffickers is not kept separately from other data on sentencing for rape, kidnapping, and other offenses for which traffickers can be prosecuted. During the year, police arrested four persons for trafficking-related offenses, however, none were convicted, police officials say, due to the lack of an anti-trafficking law. Also during the year, a couple in the Eastern Region was sentenced to 2 years in prison and fined approximately \$1,150 for trying to sell a neighbor's 3-year-old son. A woman accused of taking four Ghanaian girls to work as prostitutes in Nigeria was released when the girls failed to show up in court to testify. A court in the Upper East Region arraigned a woman who was arrested in 2001 for trafficking eight boys and three girls to the Gambia. The trial is still ongoing, as is a 2002 case of traffickers intercepted with 50 children.

E. Within Ghana, brokers or recruiters procure children from rural areas and move them to the locations where they will work (see para 18, F.) These recruiters may move as many as ten children at one time. Internationally, some trafficking groups are reportedly taking advantage of Ghana's growing international air links by moving Nigerian women through

Ghana to Europe.

1F. Local law enforcement does not use any special techniques in the detection or investigation of trafficking, however, there are several cases involving detection of trafficking by police through tip-offs by local residents.

1G. The National Plan to Combat Trafficking includes a training component for police and immigration officers.

1H. As per responses to Paragraph 19, the GOG does cooperate with other governments, chiefly through the existing ECOWAS Plan of Action. Post is not aware of any international investigations.

1I. We have no examples of the extradition of accused traffickers.

1J. There is no evidence of government involvement in or tolerance of international trafficking. However, it is more difficult to assess the Government's position on domestic trafficking. It is commonplace for poor children from rural areas to go to cities and work as domestic help for extended family relations. This is not viewed as "trafficking" and is not illegal in Ghana, but is seen as a way of giving the children improved opportunity. Increasingly, government officials are becoming aware that this traditional fostering practice can be exploitative and constitute a human rights abuse.

1K. We are unaware of any Government officials involved in trafficking.

1L. Ghana ratified the UN Convention on the Rights on the Child in 1989 becoming one of the first countries to do so, and codified child rights with the 1998 Children's Act. On September 24, 2003, Ghana signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography. The Government ratified ILO Convention 182 in May 2001 and ILO Convention 29 in 1957. Ghana has not ratified ILO Convention 105 or the Protocol to Prevent, Suppress and Punish Trafficking in Persons.

Para 21: Protection and Assistance to Victims

1A. Social Welfare Offices are present in every Region and District in the country. However, any protection or shelter given to the victims of trafficking, either international or domestic, is done on a case-by-case basis, as resources are limited. In many cases, the authorities do try to reunite trafficked and abused children with their families. NGOs have sought to provide services the police and social services cannot by establishing several crisis centers. However, as awareness of the problem grows and trafficking victims seek assistance, the limited resources available for such assistance will be overstretched.

1B. See para 19, D.

1C. Trafficking victims are generally referred to the Women and Juvenile Unit of the Police (WAJU) and to the Social Welfare Department.

1D. If they are arrested, the victims of international trafficking are prosecuted on an occasional, case-by-case basis, for offenses such as possession of altered documents. There were no cases of trafficking victims prosecuted during this reporting period.

1E. We are unaware of trafficking victims being encouraged to seek redress against traffickers.

1F. The Government does not provide specific protection for victims of trafficking beyond those available to all crime victims or witnesses.

1G. Much of the specialized training for officials in the past year has been sponsored by NGOs with outside donor funds. ILO/IPEC provided training to Ghanaian (and Nigerian) security services in October 2003.

1H. The Government provides assistance to repatriated trafficking victims on an ad-hoc basis. There has been a strong emphasis on repatriating domestically trafficked children and providing their parents with assistance and credit facilities to help alleviate poverty and better enable the parents to care for their children. WAJU assists victims of abuse and violence, including trafficking victims. Crisis centers are few. The Department of Social Welfare has a few children's homes and remand homes, but these are generally inappropriate and inadequate to deal with trafficking victims. NGOs, working closely with local authorities, are stepping in where official resources are lacking to provide

safe havens, counseling and transportation back home.

I. Several national and international NGOs as well as International Organizations work with trafficking victims. African Center for Human Development, Save the Children UK, Children in Need, Action Aid, Catholic Action for Street Children, Parent and Child Foundation, Ghana NGO Coalition on the Rights of the Child, Coalition for Women in Distress, ILO/IPEC, International Organization for Migration and UNICEF all work in the areas of child labor and support for street children. These organizations conduct studies into trafficking as part of their broader agenda, perform some rescue operations for street kids, provide training and education for victims of trafficking and abuse, and, in some cases, offer family reunification. National and local government authorities collaborate with these NGOs to combat trafficking in persons.

Yates